

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1242

Introduced by Assembly Member Achadjian

February 18, 2011

~~An act to amend Section 23251 of the Vehicle Code, relating to vehicles.~~ *An act to amend Sections 5157 and 5159 of, and to add Section 5156.1 to, the Vehicle Code, relating to vehicles, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1242, as amended, Achadjian. Vehicles: toll highways: special interest license plates: NASCAR.

Existing law authorizes private organizations to apply to the Department of Motor Vehicles for participation in special interest license plate programs authorized by legislation in which the department issues license plates with a participating organization's distinctive design, decal, or descriptive message and specifies the design criteria for the special license plate. Existing law requires that the organization collect and receive a minimum of 7,500 applications and fees for the special interest license plates from the date of the enactment of the legislation authorizing the special interest license plate. Existing law permits any individual to apply for an organization's special interest license plate.

Existing law also authorizes a state agency to apply to the Department of Motor Vehicles to sponsor a specialized license plate program and requires the department to issue the specialized license plates for the program if the state agency complies with specified requirements.

This bill would authorize the Foundation for California Community Colleges (foundation) to apply to the department to sponsor a program for a series of specialized National Association for stock car Auto Racing (NASCAR) license plates that bear emblems, seals, or other symbols or designs displaying themes of professional stock car auto racing or professional stock car auto racing drivers. The bill would require the department to issue the specialized plates if the foundation complies with existing requirements applicable to specialized license plate programs. The bill would require that the design of each specialty plate in the series be approved by the department and the Department of the California Highway Patrol.

The bill would require the foundation to secure license rights for the symbols and designs for the specialized NASCAR license plates. The bill would specify that the fee for the original issuance of the specialized license plates be \$60, and, for the renewal of registration with the plates the fee would be \$50. The bill would also require that these fees be distributed no less frequently than each quarter annually to the department and the foundation in specified amounts.

By requiring that the fees for the original issuance and the renewal of a plate be distributed directly to the department and the foundation, the bill would make a continuous appropriation of these funds.

~~Existing law requires the Department of the California Highway Patrol to provide for the proper and adequate policing of all toll highways and all vehicular crossings to ensure enforcement of the Vehicle Code and of any other law relating to the use and operation of vehicles upon toll highways, highways or vehicular crossings, and of the rules and regulations of the Department of Transportation as they relate to those laws, and to cooperate with the Department of Transportation to the end that vehicular crossings are operated at all times in a manner as to carry traffic efficiently.~~

~~This bill would make a technical, nonsubstantive change to these provisions:~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *It is the intent of the Legislature in enacting this*
- 2 *act to encourage the California Community Colleges and other*
- 3 *training institutions to identify funding mechanisms that encourage*

1 *the development of innovative training programs for motor vehicle*
2 *technicians that focus on reducing air pollution from vehicles*
3 *needing repair and to provide educational scholarships to increase*
4 *the number and skill level of motor vehicle technicians.*

5 SEC. 2. Section 5156.1 is added to the Vehicle Code, to read:

6 5156.1. (a) (1) Notwithstanding Sections 5154, 5155, and
7 5156, the Foundation for California Community Colleges, a
8 nonprofit foundation operating pursuant to Section 501(c)(3) of
9 the Internal Revenue Code, on behalf of its Vehicle Repair,
10 Retirement and Replacement for Motorists program, or a similar
11 successor program, may apply to the department to sponsor a
12 program for a series of officially licensed National Association
13 for Stock Car Auto Racing (NASCAR) driver-specialized license
14 plates, and the department shall issue, or cause to be issued,
15 specialized plates for that program, if the foundation complies
16 with the relevant requirements of this article. This series of plates
17 may bear emblems, seals, or other symbols or designs displaying
18 themes of professional stock car auto racing or professional stock
19 car auto racing drivers. The design of each specialty plate in the
20 series shall be approved by the department and the Department
21 of the California Highway Patrol.

22 (2) The department shall not issue specialized license plates for
23 a vehicle that is exempt from the payment of registration fees
24 pursuant to Section 9101 or 9103.

25 (b) The department shall not establish this program until the
26 department has received not less than 7,500 applications for the
27 foundation's specialized license plates. The foundation shall collect
28 and hold applications for the plates. Once the foundation has
29 received at least 7,500 applications, it shall submit the
30 applications, along with the necessary fees, to the department. The
31 department shall not issue a specialized license plate until the
32 foundation has received and submitted to the department not less
33 than 7,500 applications for this specialized license plate within
34 the time period prescribed in this section.

35 (c) The department shall cause to be issued any plate in this
36 series without a minimum number of applications for a specific
37 design.

38 (d) (1) If, five years after the program is established, the number
39 of outstanding and valid specialized plates in this program is less
40 than 7,500, the department shall notify the foundation and shall

1 *inform the foundation that if the number is less than 7,500 one*
2 *year from the date of that notification, the department will no*
3 *longer issue or replace plates created under this program.*

4 *(2) Any plates issued prior to the discontinuation of the program*
5 *as provided in paragraph (1) may continue to be used and attached*
6 *to the vehicle for which they were issued and may be renewed,*
7 *retained, or transferred pursuant to this code.*

8 *SEC. 3. Section 5157 of the Vehicle Code is amended to read:*

9 5157. (a) In addition to the regular fees for an original
10 registration or renewal of registration, the following additional
11 fees shall be paid for the issuance, renewal, or transfer of the
12 specialized license plates:

13 (1) For the original issuance of the plates, fifty dollars (\$50).

14 (2) For a renewal of registration with the plates, forty dollars
15 (\$40).

16 (3) For transfer of the plates to another vehicle, fifteen dollars
17 (\$15).

18 (4) For each substitute replacement plate, thirty-five dollars
19 (\$35).

20 (5) In addition, for the issuance of environmental license plates,
21 as defined in Section 5103, with a specialized license plate design,
22 the additional fees prescribed in Sections 5106 and 5108. The
23 additional fees prescribed in Sections 5106 and 5108 shall be
24 deposited in the California Environmental License Plate Fund.

25 *(6) Notwithstanding paragraphs (1) and (2), for the original*
26 *issuance of specialized license plates pursuant to Section 5156.1,*
27 *sixty dollars (\$60), and for the renewal of registration with the*
28 *plates, fifty dollars (\$50).*

29 (b) The Gold Star Family specialized license plate program as
30 provided in subdivision (d) of Section 5156 shall not be subject
31 to the fees specified in paragraphs (1), (2), and (5) of subdivision
32 (a) and shall only be issued in a sequential series.

33 (c) Except as provided in ~~paragraph~~ paragraphs (5) and (6) of
34 subdivision (a) and subdivisions (b), (c), and (d) of Section 5159,
35 and after deducting its administrative costs under this section, the
36 department shall deposit the additional revenue derived from the
37 issuance, renewal, transfer, and substitution of the specialized
38 license plates in the Specialized License Plate Fund, which is
39 hereby established in the State Treasury. Upon appropriation by
40 the Legislature, the moneys in that fund shall be allocated to each

sponsoring agency, in proportion to the amount in the fund that is attributable to the agency's specialized license plate program. Except as authorized under Section 5159, the sponsoring agency shall expend all funds received under this section exclusively for projects and programs that promote the state agency's official policy, mission, or work.

(d) (1) The Department of Veterans Affairs may actively request and receive donations for the Gold Star Family License Plate Account which is hereby created in the Specialized License Plate Fund and which may consist of donations from public and private entities. Earnings generated by the Gold Star Family License Plate Account shall be retained by the account.

(2) Upon the determination of the department that there are sufficient funds in the Gold Star Family License Plate Account for this purpose, moneys in the Gold Star Family License Plate Account shall be available, upon appropriation by the Legislature, to the department for the necessary administrative costs of establishing the Gold Star Family specialized license plate program.

SEC. 4. Section 5159 of the Vehicle Code is amended to read:

5159. ~~A~~(a) Except as provided in subdivisions (b), (c), and (d), a state agency that is eligible to participate in a specialized license plate program pursuant to this article and receives funds from the additional fees collected from the sale of specialized plates shall not expend annually more than 25 percent of those funds on administrative costs, marketing, or other promotional activities associated with encouraging application for, or renewal of, the specialized plates. This subdivision shall not apply to license plates issued pursuant to Section 5156.1.

(b) With regard to the specialized license plate program established pursuant to Section 5156.1, as a continuing appropriation, the sixty-dollar (\$60) original issuance fee shall be distributed no less frequently than each quarter annually, as follows:

(1) To the department, eight dollars (\$8).

(2) To the Foundation for California Community Colleges, fifty-two dollars (\$52).

(c) With regard to the specialized license plate program established pursuant to Section 5156.1, as a continuing appropriation, the fifty dollar (\$50) renewal fee shall be distributed no less frequently than each quarter annually, as follows:

1 (1) To the department, eight dollars (\$8).

2 (2) To the Foundation for California Community Colleges,
3 forty-two dollars (\$42).

4 (d) (1) The Foundation for California Community Colleges
5 shall secure license rights for emblems, seals, or other auto racing
6 symbols or designs displaying themes of professional stock car
7 auto racing or professional stock car auto racing drivers, for use
8 on specialized license plates authorized by Section 5156.1.

9 (2) (A) The terms of the license rights agreements shall hold
10 the state and the foundation harmless and indemnify the state and
11 the foundation from all losses, costs, expenses, including
12 reasonable attorney's fees, claims, demands, liabilities, causes of
13 action, and damages, arising out of the unauthorized use or
14 infringement or other proprietary right, in connection with the
15 issuance of those specialized license plates.

16 (B) The Foundation for California Community Colleges and
17 the state may require the hold harmless and indemnity agreements
18 to be supported by policies of commercial general liability
19 insurance, or other insurance, in amounts, and by insurance
20 companies, that are acceptable to the foundation and the state.

21 ~~SECTION 1. Section 23251 of the Vehicle Code is amended~~
22 ~~to read:~~

23 ~~23251. (a) The Department of the California Highway Patrol~~
24 ~~shall provide for proper and adequate policing of all toll highways~~
25 ~~and all vehicular crossings to ensure the enforcement thereon of~~
26 ~~this code and of any other law relating to the use and operation of~~
27 ~~vehicles upon toll highways, highways or vehicular crossings, and~~
28 ~~of the rules and regulations of the Department of Transportation~~
29 ~~as they relate to those laws, and to cooperate with the Department~~
30 ~~of Transportation to the end that vehicular crossings are operated~~
31 ~~at all times in a manner as to carry traffic efficiently. The authority~~
32 ~~of the Department of the California Highway Patrol is exclusive~~
33 ~~except as to the authority conferred by law upon the Department~~
34 ~~of Transportation in respect to vehicular crossings.~~

35 ~~(b) Notwithstanding subdivision (a), a private operator of a toll~~
36 ~~highway may make temporary arrangements, not to exceed 30~~
37 ~~days, for traffic law enforcement services with an agency that~~
38 ~~employs peace officers as described in Section 830.1 of the Penal~~
39 ~~Code, if the Department of the California Highway Patrol cannot~~
40 ~~fulfill its responsibilities as described in this section, as determined~~

1 by the Secretary of the Business, Transportation and Housing
2 Agency.
3 (e) The services provided by the Department of the California
4 Highway Patrol for all toll highways that are operated by a private
5 entity shall be reimbursed pursuant to Section 30809.1 of the
6 Streets and Highways Code. If the private operator of a toll
7 highway and the Department of the California Highway Patrol
8 reach an impasse in negotiating an agreement for reimbursement,
9 the Secretary of the Business, Transportation and Housing Agency
10 shall assist in resolving the impasse.

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